

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**U.S. BANK AS TRUSTEE FOR GSAA  
HOME EQUITY TRUST 2006-9, ASSET-  
BACKED CERTIFICATES, SERIES 2006-9,**

Case No.: 2:15-cv-01177-GMN-NJK

Plaintiff,  
vs.  
  
DIAMOND CREEK HOMEOWNERS'  
ASSOCIATION, *et al.*,  
  
Defendants.

## ORDER

On May 22, 2018, the Court granted summary judgment to Plaintiff U.S. Bank, (“Plaintiff”) because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), the Diamond Creek Community Association (“HOA”) “foreclosed under a facially unconstitutional notice scheme” and therefore the “foreclosure sale cannot have extinguished” Plaintiff’s deed of trust on the property. (Order 6:1–3, ECF No. 110). The Ninth Circuit has since held, however, that Nevada’s homeowner’s association foreclosure scheme is not facially unconstitutional because the decision in *Bourne Valley* was based on a construction of Nevada law that the Nevada Supreme Court has since made clear was incorrect. *See Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass’n*, 920 F.3d 620, 624 (9th Cir. 2019) (recognizing that *Bourne Valley* “no longer controls the analysis” in light of *SFR Investments Pool1, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)). Moreover, for orders from this district that relied on *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), and were thereafter appealed, the Ninth Circuit recently began reversing and remanding such orders in light of *Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass’n*.

1 *Ass 'n*, 920 F.3d 620, 624 (9th Cir. 2019). *See, e.g., U.S. Bank, N.A., v. SFR Investments Pool 1,*

2 LLC, No. 18-16006, 2019 WL 6817304, at \*1 (9th Cir. Dec. 13, 2019).

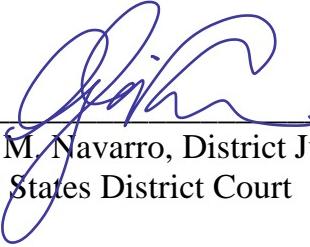
3 Accordingly, to preserve judicial resources,

4 **IT IS HEREBY ORDERED** that the Court's prior Order, (ECF No. 110), is  
5 **VACATED.**

6 **IT IS FURTHER ORDERED** that the parties shall have thirty days from the date of  
7 this Order to file renewed dispositive motions.

8 The Clerk of Court shall reopen the case and deliver a copy of this Order to the United  
9 States Court of Appeals for the Ninth Circuit, Appeal Number 18-16164.

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11 **DATED** this 18 day of December, 2019.

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Gloria M. Navarro, District Judge  
United States District Court